

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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AMERICAN NATIONAL PROPERTY & CASUAL COMPANY

Plaintiff,

V.

SHAUN MICHAEL CALEY, et al.,

Defendants.

Case No. 2:24-cv-01723-JAD-BNW

ORDER

Before the Court is Defendant P.E.P.'s Motion for Demand for Security of Costs. ECF No. 6. Defendant PEP seeks an order from the Court for Plaintiff to post a cost bond pursuant to NRS 18.130(1) as Plaintiff is not a resident of Nevada.

Under N.R.S. 18.130(1), “When a plaintiff in an action resides out of the State, or is a foreign corporation, security for the costs and charges which may be awarded against such plaintiff may be required by the defendant.” The Ninth Circuit has stated the following with respect to a demand for security for costs in federal court:

There is no specific provision in the Federal Rules of Civil Procedure relating to security for costs. However, the federal district courts have inherent power to require plaintiffs to post security for costs. Typically federal courts, either by rule or by case-to-case determination, follow the forum state's practice with regard to security for costs, as they did prior to the federal rules; this is especially common when a non-resident party is involved.

Simulnet E. Assoc. v. Ramada Hotel Operating Co., 37 F.3d 573, 574 (citation and internal quotations omitted). While the Nevada District Court has not adopted a specific court rule with respect to security for costs, it has adopted N.R.S. 18.130 as the appropriate procedure through case law in diversity jurisdiction cases. *Hamar v. Hyatt Corp.*, 98 F.R.D. 305 (D. Nev. 1983) (“It has been the policy of the United States District Court for the District of Nevada to enforce the requirements of N.R.S. 18.130 in diversity actions.”).

Here, the complaint was filed based on diversity jurisdiction. ECF No. 1 at 1–2. The

1 Court will therefore grant the Motion.

2 **I. CONCLUSION**

3 **IT IS THEREFORE ORDERED** that Defendant P.E.P.'s Motion for Demand for
4 Security of Costs (ECF No. 6) is **GRANTED**.

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6 DATED this 10th day of October 2024.

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BRENDA WEKSLER
9 UNITED STATES MAGISTRATE JUDGE

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